

**United States Bankruptcy Court
Eastern District of Arkansas**

In re **Marshal Edward Price
LaShandra Demetria Austin**

Debtor(s)

Case No.

Chapter **13**

**Arkansas Chapter 13 Plan
(Local Form 13-1)**

Original Plan ☒

Amended Plan ☐

For an amended plan, all applicable provisions must be repeated from the previous plan(s). Provisions may not be incorporated by reference from previously filed plan(s).

List below the sections of the plan that have been changed:

State the reason(s) for the amended plan, including any changes of circumstances below. If creditors are to be added, please complete Addendum A as well as file any appropriate amended schedules.

The Amended Plan is filed: ☐ Before confirmation
☐ After confirmation

Part 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules and judicial rulings may not be confirmable.

Original plans and amended plans must have matrix(ces) attached or a separate certificate of service should be filed to reflect service in compliance Fed. R. Bankr. P. 2002.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file a written objection to confirmation with the United States Bankruptcy Court either electronically (if filer is approved for electronic filing) or at the following addresses:

- **For Eastern District cases** (Batesville, Helena, Jonesboro, Little Rock, or Pine Bluff Divisions): United States Bankruptcy Court, 300 West 2nd Street, Little Rock, AR 72201
- **For Western District cases** (El Dorado, Fayetteville, Fort Smith, Harrison, Hot Springs, or Texarkana Divisions): United States Bankruptcy Court, 35 E. Mountain Street, Fayetteville, AR 72701

The objection should be filed consistent with the following timelines:

☒ **Original plan filed at the time the petition is filed:** Within 14 days after the 341(a) meeting of creditors is concluded.

☐ **Original plan filed after the petition is filed or amended plan (only if filed prior to the 341(a) meeting):** Within the later of 14 days after the 341(a) meeting of creditors is concluded or 21 days after the filing of the plan.

☐ **Amended plan:** Within 21 days after the filing of the amended plan.

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The court may confirm this plan without further notice if no objection to confirmation is timely filed.

The following matters may be of particular importance. *Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.*

| | | | |
|-----|---|-----------------------------------|--|
| 1.1 | A limit on the amount of a secured claim, set out in Section 3.4, which may result in a partial payment or no payment at all to the secured creditor. | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not included |
| 1.2 | Nonstandard plan provisions, set out in Part 8. | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not included |

Part 2: Plan Payments and Length of Plan

2.1 The debtor(s) will make regular payments to the trustee as follows:

Inapplicable portions below need not be completed or reproduced.

Original plan: The debtor(s) will pay **\$2,055.00** per month to the trustee. The plan length is **60** months.

The following provision will apply if completed:

Plan payments will change to \$__ per month beginning on __.

Plan payments will change to \$__ per month beginning on __.

(Use additional lines as necessary)

The debtor(s) will pay all disposable income into the plan for not less than the required plan term, or the applicable commitment period, if applicable, unless unsecured creditors are being paid in full (100%). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Payments shall be made from future income in the following manner:

Name of debtor **Marshal Edward Price**

☐ Direct pay of entire plan payment or ____ (portion of payment) per month.

☒ Employer Withholding of **\$2,055.00** per month

Payment frequency: ☐ monthly, ☐ semi-monthly, ☐ bi-weekly, ☒ weekly, ☐ Other

If other, please specify: ____

Employer name:

Estes Express Lines

Address:

Attn: Payroll Dept.

P.O. Box 25612

Richmond, VA 23260

Phone:

501-490-1714

Name of debtor **LaShandra Demetria Austin**

☐ Direct pay of entire plan payment or ____ (portion of payment) per month.

☐ Employer Withholding of \$____ per month.

Payment frequency: ☐ monthly, ☐ semi-monthly, ☐ bi-weekly, ☐ weekly, ☐ Other

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If other, please specify: _____

Employer name: _____

Address: _____

Phone: _____

2.3 Income tax refunds.

Check one.

- ☒ Debtor(s) will retain income tax refunds received during the plan term and have allocated the refunds in the budget.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income tax refunds as described below. The debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing.

2.4 Additional payments.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.
- ☐ To fund the plan, debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

Part 3: Treatment of Secured Claims

3.1 Adequate Protection Payments.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☒ The debtor(s)' plan payment to the trustee will be allocated to pay adequate protection payments to secured creditors as indicated below. The trustee shall be authorized to disburse adequate protection payments upon the filing of an allowed claim by the creditor. Preconfirmation adequate protection payments will be made until the plan is confirmed. Postconfirmation adequate protection payments will be made until administrative fees are paid (including the initial attorney's fee). Payment of adequate protection payments will be limited to funds available.

| Creditor and last 4 digits of account number | Collateral | Monthly payment amount | To be paid |
|--|--|------------------------|--|
| Otter Creek Homeowners Assoct. | 10 Pear Tree Place Little Rock, AR 72210 Pulaski County-Homeowners - | 20.00 | <input checked="" type="checkbox"/> Preconfirmation <input type="checkbox"/> Postconfirmation |
| United Arkansas Fcu 0003 | 2014 Ford Flex | 100.00 | <input checked="" type="checkbox"/> Preconfirmation <input type="checkbox"/> Postconfirmation |

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| Creditor and last 4 digits of account number | Collateral | Monthly payment amount | To be paid |
|--|---|------------------------|--|
| US Bank Home Mortgage | (2nd Mortgage) 10 Pear Tree Place Little Rock, AR 72210 Pulaski County | 100.00 | <input checked="" type="checkbox"/> Preconfirmation <input type="checkbox"/> Postconfirmation |

3.2 Maintenance of payments and cure of default (long term-debts, including debts secured by real property that debtor(s) intend to retain).

Check one.

☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

☒ The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, including any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. The debtor(s) will resume payments to the creditors upon completion of the plan, pursuant to the terms of the respective agreements. Any existing arrearage will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated.

The current contractual installment payments for real estate may be increased or decreased, and the plan payment increased, if necessary, based upon information provided by the creditor and upon the absence of objection from the debtor(s) under applicable rules. Unless otherwise ordered by the court, the amounts listed on a filed and allowed proof of claim will control over any contrary amounts listed below as to the current installment payment and arrearage amount. **If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.**

| Creditor and last 4 digits of account number | Collateral | Monthly installment payment | Monthly installment payment disbursed by | Estimated arrearage amount | Monthly arrearage payment | Interest rate, if any, for arrearage payment |
|--|---|-----------------------------|---|----------------------------|---------------------------|--|
| US Bank Home Mortgage | 10 Pear Tree Place Little Rock, AR 72210 Pulaski County (inside plan) | 1,252.79 | <input type="checkbox"/> Debtor(s) <input checked="" type="checkbox"/> Trustee | 12,000.00 | 200.00 | 0.00% |

3.3 Secured claims excluded from 11 U.S.C. § 506 (non-506 claims).

Check one.

☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

☒ Claims listed in this subsection consist of debts that were:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s) ("910 car claims"), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value ("PMSI within one year").

The creditors below will retain their liens and secured claims will be paid in full under the plan at the monthly payment and interest at the rate stated below. Unless otherwise ordered by the court, the claim amounts listed on a filed and allowed proof of claim will control over any contrary amounts listed below, except as to value, interest rate and monthly payment.

| Creditor and last 4 digits of account number | Collateral | Purchase date | Debt/estimated claim | Value of collateral | Interest rate | Monthly payment |
|--|------------|---------------|----------------------|---------------------|---------------|-----------------|
|--|------------|---------------|----------------------|---------------------|---------------|-----------------|

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| Creditor and last 4 digits of account number | Collateral | Purchase date | Debt/estimated claim | Value of collateral | Interest rate | Monthly payment |
|--|--|---------------|----------------------|---------------------|---------------|---|
| Otter Creek Homeowners Assoct. | Homeowners Associations Dues- 10 Pear Tree Place Little Rock, AR 72210 Pulaski County- | | 2,376.39 | 155,000.00 | 0.00% | 39.61 Post Petition will be paid by the debtor directly. |
| United Arkansas FCU | 2014 Ford Flex | | 14,032.00 | 15,500.00 | 6.00% | 271.28 |
| US Bank Home Mortgage | 2ND MORTGAE 10 Pear Tree Place Little Rock, AR 72210 Pulaski County | | 4,367.28 | 155,000.00 | 6.00% | 84.43 |

3.4 Claims for which § 506 valuation is applicable. Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

3.6 Secured claims not provided treatment. In the event that a secured claim is filed and allowed that is not provided treatment in the plan, the trustee shall pay such creditor the claim amount *without interest* after this plan in all other respects has been completed.

Part 4: Treatment of Fees and Priority Claims

4.1 General.

Trustee's fees and all allowed priority claims, including domestic support obligations, will be paid in full without postpetition interest.

4.2 Trustee's fees.

The trustee's fees are governed by statute and may change during the course of the case.

4.3 Attorney's fees.

The attorney's fee is subject to approval of the court by separate application. The following has been paid or will be paid if approved by the court:

| | | |
|--|----|-----------------|
| Amount paid to attorney prior to filing: | \$ | <u>0.00</u> |
| Amount to be paid by the Trustee: | \$ | <u>4,025.00</u> |
| Total fee requested: | \$ | <u>4,025.00</u> |

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Upon confirmation, the attorney shall receive an initial fee as provided in the application and approved by the court from funds paid by the debtor(s), after administrative costs have been paid. The remaining fee will be paid at the percentage rate of the total disbursed to creditors each month provided in the application approved by the court.

The initial fee and percentage rate requested in the application are \$ 1,500.00 and 25.00 %, respectively.

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

☒ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations.

Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims.

Allowed nonpriority unsecured claims shall be paid at least as much as they would receive if the debtor(s) filed a Chapter 7 case. **Allowed nonpriority unsecured claims shall be paid in full (100%) unless a different treatment is indicated below.** For above median income debtor(s), the distribution to unsecured creditors includes any disposable income pool (monthly disposable income times 60 months) from Form 122C-2, unless the debtor(s) are unable to meet the disposable income pool based on the following circumstances: _____

Check one, if applicable

☒ A PRORATA dividend, including disposable income pool amounts, if applicable, from funds remaining after payment of all other classes of claims; or

☐ Other, Please specify _____

5.2 Special nonpriority unsecured claims and other separately classified nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Part 6: Contracts, Leases, Sales and Postpetition Claims

6.1 Executory Contracts and Unexpired Leases.

Check one.

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

6.2 Sale of assets.

Check one.

☒ **None.** If "None" is checked, the rest of § 6.2 need not be completed or reproduced.

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6.3 Claims not to be paid by the trustee.

Check one.

☒ **None.** *If "None" is checked, the rest of § 6.3 need not be completed or reproduced.*

6.4 Postpetition claims.

Check one.

☒ **None.** *If "None" is checked, the rest of § 6.4 need not be completed or reproduced.*

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon:

Check the applicable box.

☐ plan confirmation

☒ entry of discharge

☐ other: _____

Part 8: Nonstandard Plan Provisions

☒ **None.** *If "None" is checked, the rest of § 6.4 need not be completed or reproduced*

Part 9: Signatures

By filing this document, the attorney for the debtor(s) or the debtor(s) themselves, if not represented by an attorney, certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in plan form used in the Eastern and Western Districts of Arkansas, other than any nonstandard provisions included in Part 8.

/s/ Chris Foster

Chris Foster 2000174

Signature of Attorney for Debtor(s)

Date May 15, 2019

/s/ Marshal Edward Price

Marshal Edward Price

/s/ LaShandra Demetria Austin

LaShandra Demetria Austin

Signature(s) of Debtor(s)

(required if not represented by an attorney;
otherwise optional)

Date May 15, 2019

Date May 15, 2019

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Addendum A - For Amended Plans

Listing of Additional Creditors and Claims for Plan Purposes

Note: While additional creditors may be listed on Addendum A, the debtor(s) also must file amended schedules as appropriate.

A.1 Prepetition Nonpriority Unsecured Claims

The following are creditors with prepetition nonpriority unsecured claims that are added to the plan. These creditors will be provided treatment as described in Part 5.1 of the plan.

| Name and address of creditor | Last four digits of account number | Nature of debt and date incurred | Amount of debt |
|------------------------------|------------------------------------|----------------------------------|----------------|
| -NONE- | | | |

A.2 Postpetition Nonpriority Unsecured Claims

The following are creditors with postpetition nonpriority unsecured claims pursuant to 11 U.S.C. §§ 1305 and 1322(b)(6) that are added to the plan by the debtor(s). The creditors listed below are entitled to participate in the debtor(s)' bankruptcy case at the election of the creditor.

A creditor may elect to participate in the plan by filing a proof of claim for the postpetition claim. The claim will be treated as though the claim arose before the commencement of the case and will be provided treatment as described in Part 5.1 of the plan. Upon completion of the plan and case, any unpaid balance of such claim may be subject to discharge.

| Name and address of creditor | Last four digits of account number | Nature of debt and date incurred | Amount of debt | Approval to incur obtained from trustee or court |
|------------------------------|------------------------------------|----------------------------------|----------------|--|
| -NONE- | | | | Yes No |

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CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the attached Chapter 13 Plan filed has been served by CM/ECF to Joyce Bradley Babin, Chapter 13 Standing Trustee; Charles W. Tucker, Assistant United State Trustee; and served by U.S. Mail, postage prepaid to the following on May 15, 2019:

Department of Finance and Administration
Legal Division
PO Box 1272
Little Rock, AR 72203

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Department of Workforce Services
P. O. Box 1229
Little Rock, AR 72203

U. S. Attorney, Eastern District
P. O. Box 2981
Little Rock, AR 72203

And to all creditors whose names and addresses are set forth on the following pages:

Dated: 5/15/19

/s/ Chris Foster

Chris Foster, Bar No. 2000174
Attorney for Debtor(s)
FOSTER LAW FIRM, P.A.
21941 I-30, Suite 1
Bryant, AR 72022
Tel: (501) 847-9600
Fax: (501)-847-9604

Debtor(s) **Marshal Edward Price**
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Case No.

Aaron's Rent to Own

Baseline Road
Little Rock, AR 72206

Access Crdt

Pob 250531
Little Rock, AR 72225

Access Crdt

Pob 250531
Little Rock, AR 72225

Access Crdt

Pob 250531
Little Rock, AR 72225

AFNI

P.O. Box 3517
Bloomington, IL 61702-3517

Asset Acceptance

Po Box 1630
Warren, MI 48090

AT&T Mobility

PO Box 650553
Dallas, TX 75265-0553

AT&T Uverse

PO Box 5014
Carol Stream, IL 60197-5014

Baptist Health Family Clinic

11001 Executive Center Dr.
Ste. 200
Little Rock, AR 72211

Capital One Bank

PO Box 60599
City Of Industry, CA 91716-0599

Centerpoint Energy Srv

Po Box 1700
Houston, TX 77251

Centerpoint Energy Srv

Po Box 1700
Houston, TX 77251

Credit One Bank

Debtor(s) **Marshal Edward Price**
LaShandra Demetria Austin

Case No.

PO box 98873
Las Vegas, NV 89193

Credit One Bank Na
Po Box 98875
Las Vegas, NV 89193

Diversified Consultant
P O Box 551268
Jacksonville, FL 32255

Enhanced Recovery Co L
8014 Bayberry Rd
Jacksonville, FL 32256

Glelsi/sun Trust Bank
2401 International Lane
Madison, WI 53704

Internal Revenue Services
PO Box 7346
Philadelphia, PA 19101-7346

James A Penney Dds
c/o Access Crdt
Pob 250531
Little Rock, AR 72225

Little Rock Emergency Doctors
Group
11001 Executive Ctr Dr.,S-200
Little Rock, AR 72211

Lvnv Funding Llc
Po Box 1269
Greenville, SC 29602

LVNV Funding LLC
c/o Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Medical College Phys Group
PO Box 251508
Little Rock, AR 72225-1420

Micro-Diagnostic Lab, Inc.
c/o Recievables Management
1200 Salem Rd.
Benton, AR 72019-8340

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Case No.

Missouri Higher Educ. Loan
633 Spirit Drive
Chesterfield, MO 63005-1243

Mohela
633 Spirit Dr
Chesterfield, MO 63005

Nelnet Lns
Po Box 1649
Denver, CO 80201

Nelnet Lns
Po Box 1649
Denver, CO 80201

Nelnet Lns
Po Box 1649
Denver, CO 80201

Nelnet Lns
Po Box 1649
Denver, CO 80201

Nelnet Lns
Po Box 1649
Denver, CO 80201

Nelnet Lns
Po Box 1649
Denver, CO 80201

Otter Creek Homeowners Assoct.
c/o Wright, Lindsey & Jennings
200 W. Capitol Ave., Ste. 2300
Little Rock, AR 72201

Pleasant Valley Family Clini
c/o Access Crdt
Pob 250531
Little Rock, AR 72225

Portfolio Recov Assoc
120 Corporate Blvd Ste 1
Norfolk, VA 23502

Portfolio Recov Assoc
120 Corporate Blvd Ste 1
Norfolk, VA 23502

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Premier Bankcard

PO Box 2208
Vacaville, CA 95696

Radiology Consultants

PO Box 55510
Little Rock, AR 72215-5510

Receivables Management Corp.

of America
PO Box 21030
White Hall, AR 71612-1030

Santander Consumer

PO Box 961245
Fort Worth, TX 76161-1245

Sears

PO Box 183081
Columbus, OH 43218-3081

Simmons 1st National B

Pob 7009
Pine Bluff, AR 71611

Smile Brands, Inc.

c/o Rgs Financial
1700 Jay Ell Dr Ste 200
Richardson, TX 75081

Southern Col

Pob 25006
Little Rock, AR 72221

Southern Col

Pob 25006
Little Rock, AR 72221

Southern Col

Pob 25006
Little Rock, AR 72221

Southern Col

Pob 25006
Little Rock, AR 72221

Southwestern Bell

PO Box 769
Arlington, TX 76004

Debtor(s) **Marshal Edward Price**
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Student Loan Guarantee Found.

10 Turtle Creek Lane
Little Rock, AR 72202

UALR

Office of Student Accounts
2801 S. University
Little Rock, AR 72204

UAMS

PBS Slot 612
4301 W. Markham St.
Little Rock, AR 72205

UAMS

PBS Slot 612
4301 W. Markham St.
Little Rock, AR 72205

United Arkansas Fcu

8405 Interstate 30
Little Rock, AR 72209

US Bank

PO Box 790179
Saint Louis, MO 63179-0179

US Bank Home Mortgage

4801 Frederica St.
Owensboro, KY 42301

US Bank Home Mortgage

4801 Frederica St.
Owensboro, KY 42301

Us Dep Ed

Po Box 5609
Greenville, TX 75403

Us Dept Of Ed/glelsi

2401 International Lane
Madison, WI 53704

Us Dept Of Ed/glelsi

2401 International Lane
Madison, WI 53704

Us Dept Of Ed/glelsi

2401 International Lane
Madison, WI 53704

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Case No.

Us Dept Of Ed/glelsi
2401 International Lane
Madison, WI 53704

Verizon
c/o Jefferson Capital Syst
16 Mcleland Rd
Saint Cloud, MN 56303
